

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

RAMON A. BELLIARD,

Plaintiff,

-v-

EAGLE TEAM NYC AND VADIM TARNOVSKY,

Defendants.

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19 Civ. 8198 (PAE) (DCF)

ORDER OF DISMISSAL

PAUL A. ENGELMAYER, District Judge:


On October 6, 2020, the Court issued an order to show cause why this action should not be dismissed for failure to prosecute under Federal Rule of Civil Procedure 41. Dkt. 11. On September 3, 2019, plaintiff filed the complaint in this action. Dkt. 1. On December 12, 2019, plaintiff served defendant Eagle Team NYC with process, making defendant Eagle Team NYC's deadline to answer or otherwise respond January 2, 2020. *See* Dkt. 6. Defendant Eagle Team NYC did not respond to the complaint or otherwise appear in this action. On January 3, 2020, plaintiff obtained a certificate of default as to Eagle Team NYC from the Clerk of Court. Dkt. 8. On February 6, 2020, the Court dismissed defendant Vadim Tarnovsky because plaintiff had not effected service or timely sought an extension to do so as to defendant Tarnovsky. Dkt. 10. Plaintiff has, however, not filed a motion for default judgment against defendant Eagle Team NYC and no progress has otherwise been made in this case.

The Court's October 6, 2020 order to show cause advised that cause may be shown by filing a motion for default judgment by October 13, 2020. Dkt. 11. Plaintiff has not taken this step or otherwise taken any action to make any progress in this case since the Court's order to show cause.

Accordingly, under Federal Rule of Civil Procedure 41(b) and the Court's inherent power, *see Link v. Wabash R.R. Co.*, 370 U.S. 626, 630–32 (1962), the Court hereby dismisses this case, without prejudice, for the plaintiff's failure to prosecute.

The Clerk of Court is respectfully directed to close this case.

SO ORDERED.

  
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Paul A. Engelmayer  
United States District Judge

Dated: October 14, 2020  
New York, New York